

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

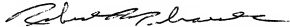
U.S. Serial No.: 10/756,544
Filing Date: 01/12/2004
Applicant: David H. Dicks et al.
Title: FITMENT FOR FLEXIBLE CONTAINER
Assignee: Nova Biomedical Corporation
Attorney Dkt No.: nova0104fitmt
Art Unit: 3754
Examiner: Philippe S. Derakshani

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-referenced patent application please find a
PROVISIONAL ELECTION PURSUANT TO 37 C.F.R. § 1.143.

Respectfully submitted,




Robert R. Deleault, Reg. No. 39,165
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Dated: 8/17/06

Certificate of Transmission

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United States Patent and Trademark Office by way of EFS Web on August 17, 2006.

Robert R. Deleault


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Dear Sir:

In response to the restriction requirement mailed July 20, 2006, Applicants provisionally elect without traverse the Species I invention identified by the Office as the species illustrated in Figures 1-2a, which is covered by Claims 1-10, 22-33, and 37-38, but reserve the right to include all of the claims of Species I and II should a generic claim be allowed, pursuant to 37 C.F.R. §1.143, and without affecting Applicants' ability to later file divisional applications based on the non-elected claims of Species II.

Respectfully submitted,



Date: 8/17/06

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